

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION

RICARDO THOMAS

PLAINTIFF

VERSUS

CIVIL ACTION NO. 1:11CV101-LG-RHW

PREMIER ENTERTAINMENT BILOXI, LLC

DEFENDANT

**ORDER DENYING MOTION FOR CONTEMPT**

Before the Court is Plaintiff's [34] Motion for Contempt based on the alleged failure of non-party LoCoco & LoCoco, P.A. (LoCoco) to serve a timely response to a subpoena served pursuant to Fed. R. Civ. P. 45. There have been conflicting versions regarding when the subpoena was served. The date of service on the return is November 22, 2011. An invoice dated November 28, 2011, suggests that service may have occurred on November 28th. In an affidavit, the process server now represents that he served the subpoena on December 2, 2011. Given the uncertainty surrounding the actual date of service, the Court finds that the motion for contempt should be denied. However, the Court finds that LoCoco shall serve responses to the subpoena on or before **December 23, 2011**.

SO ORDERED, this the 12th day of December, 2011.

*s/ Robert H. Walker*

UNITED STATES MAGISTRATE JUDGE